



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

August 7, 2020

Ms. Mary S. Walker
Administrator
Environmental Protection Agency, Southeast Region 4
61 Forsyth Street, S.W. Mail Code: 9T25
Atlanta, Ga 30303

Dear Ms. Walker,

The cooperative federalism structure of the Clean Water Act (CWA) provides an avenue for states and tribes to assume responsibility for the dredge and fill permitting program under Section 404. After successfully administering the Environmental Resource Permit (ERP) program within the state for over 20 years, Florida has the structure and resources ready and in place to support the administration and enforcement of the Section 404 permitting program. Accordingly, I respectfully request approval from the United States Environmental Protection Agency (EPA) to assume the CWA Section 404 permitting program.

Upon assumption, the Section 404 program will be administered by the Florida Department of Environmental Protection (FDEP), through its dedicated staff of wetland scientists and professionals across the state. FDEP's intimate knowledge of state aquatic resources, coupled with the efficiency and proven success of its ERP program, will ensure that the Section 404 program will be implemented in a scientifically sound and protective manner. Moreover, Florida is well-prepared to address the compliance and enforcement responsibilities of the 404 program. Governor DeSantis recently signed into law the Environmental Accountability bill, House Bill 1091, which strengthens FDEP's enforcement capabilities by increasing civil and criminal penalties by 50% for violations of Florida's rules and statutes that protect wetland resources.

I firmly believe Florida is uniquely positioned to assume the 404 permitting program. Our state is home to 20% of all wetlands in the United States, and for years we have worked together with the Army Corps of Engineers in protecting and ensuring conservation of these vital resources. I am excited for Florida to become the third state to implement this program and look forward to assuming this essential responsibility.

Sincerely,

A handwritten signature in black ink, appearing to be "Noah Valenstein", written over a horizontal line.

Noah Valenstein
Secretary of the Florida Department of Environmental Protection